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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/604,468 06/27/00 THOMAS

E LD 11108

EXAMINER

MM71/0913

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ART UNIT

PAPER NUMBER

2875

DATE MAILED:

09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/604,468

Applicant(s)

THOMAS ET AL.

Examiner

Bao Q. Truong

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the reference number "82" on page 7 line 21 and the reference number "84" on page 7 line 23. Correction is required.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "rheostat having continuous variable control" in claim 6 and the "a second plurality of LEDs" in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show
"A switch 44, coupled to a variable resistor 46," as described in the specification page 6 line 3, and
"the variable resistor 46 is designed to selectively short-circuit predetermined sections of the resistor" as described in the specification page 6 lines 27-28.
Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2875

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11, the applicant has not clearly described how the optical assembly being selectively adjustable for focusing and dispersing the LED beam.

Claim 12, the applicant has not clearly described how the light source being selectively moveable for focusing and dispersing the LED beam.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 8-10, 13-15, 22-24, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman [US 5,548,494] in view of Hed [US 5,301,090].

Regarding claims 1 and 15, Blackman discloses a lighting fixture [200] for mounting under a cabinet having a housing [202], a fluorescent light fixture [380], a night light [350], a flashlight [300], a translucent diffuser cover [402] as an optical assembly and mounting openings [205a, 205b] for mounting of housing [202] to a cabinet (figures 10-13, column 5, lines 54-67 and column 6, lines 1-5). Blackman discloses everything except for: the plurality of LEDs.

Art Unit: 2875

Hed shows the use of plurality of LEDs in a left column of the figure 1 (figures 1 and 1A, column 4, lines 54-68 and column 6, lines 8-11).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the LEDs of Hed in the fluorescent light fixture, the night light and the flashlight of Blackman in order to provide a longer lifetime of a light source.

Regarding claims 8 and 22, Hed discloses a plurality of LEDs having red, blue and green colors (figures 1 and 1A, column 4, lines 64-67).

Regarding claims 9 and 23, Blackman discloses a battery [312] (figures 11-12, column 7, line 12).

Regarding claims 10 and 24, Blackman discloses a batteries [312] and a power interruption detector circuit [324] to turn automatically a flashlight light assembly [300] on while a fluorescent light fixture [380] is off when a power failure occurs (figures 11-12, column 7, lines 13-18 and column 8, lines 45-55).

Regarding claims 13 and 27, Blackman discloses a flashlight light assembly [300] as a second separately and distinct light source. Blackman discloses everything except for: the plurality of LEDs.

Hed shows the use of plurality of LEDs in a middle column of the figure 1 (figures 1 and 1A, column 4, lines 54-68 and column 6, lines 8-11 and lines 54-68).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the LEDs in the middle column of the figure 1 of Hed in the flashlight light assembly of Blackman in order to provide a longer lifetime of a light source.

Art Unit: 2875

Regarding claims 14 and 28, Hed shows the use of flexible materials (column 8, lines 4-12).

9. Claims 2-7 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman in view of Hed and Hipp [US 5,998,928].

Blackman and Hed were discusses in the rejection claims 1 and 15 above.

Regarding claims 2 and 16, Blackman and Hed were disclosed everything except for: the variable resistor for controlling the level of optical output.

Hipp shows the use of a rheostat [16] as variable resistor of light intensity control system [10] (abstract, figure 1, column 2, lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the rheostat of Hipp in the circuitry system of Blackman in order to provide a control of electric current.

Regarding claims 3 and 17, Blackman discloses a manual On/Off switch [398] (figures 11-12, column 7, lines 51). Blackman discloses everything except for: the switch being turn on and off any select number of LEDs.

Hed shows the use of controller [52] as a switch, which controls the power to each group of LEDs (figure 3, column 9, lines 65-68).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the controller of Hed in the switch of Blackman in order to provide a variable electrical current.

Art Unit: 2875

Regarding claims 4 and 18, Blackman discloses a manual On/Off switch [398] (figures 11-12, column 7, lines 51). Blackman discloses everything except for: the switch providing a variable control having two distinct levels of illumination.

Hed shows the use of controller [52] as a switch, which controls the relative intensities of the light sources (figure 3, column 9, lines 57-59).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the controller of Hed in the switch of Blackman in order to provide a variable chromaticity luminary.

Regarding claims 5 and 19, Blackman discloses a photocell sensor [358] to turn On/Off a night light assembly [350] (figures 10-13, column 7, lines 26-39 and column 8, lines 64-68).

Regarding claims 6, 7, 20 and 21, Hipp discloses a variable control by a rheostat [16] (figure 1, column 2, lines 45-60).

10. Claims 11 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman in view of Hed and Splane [US 5,791,768].

Blackman and Hed were discussed in the rejection claims 1 and 15 above. Blackman and Hed were disclosed everything except for: the optical assembly being selectively adjustable.

Splane shows the use of an adjusting assembly of an inner reflector and an outer reflector relative to a gaseous discharge lamp (abstract, figure 2).

Art Unit: 2875

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the adjusting assembly of reflectors of Splane in the fluorescent light fixture and the night light of Blackman in order to provide an advantageous adjustment of focusing.

11. Claims 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blackman in view of Hed and Gordin [US 5,887,969].

Blackman and Hed were discusses in the rejection claims 1 and 15 above. Blackman and Hed were disclosed everything except for: the light source being selectively moveable.

Gordin shows the use of a light source [28] being moveable relative to reflector [26] (figures 9-10, column 6, lines 27-39 and column 10, lines 20-32).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the moveable light source assembly of Gordin in the fluorescent light fixture and the night light of Blackman in order to provide an advantageous adjustment of focusing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (703) 308-6452. The examiner can normally be reached on Monday-Friday (8:00 AM - 5:00 PM).

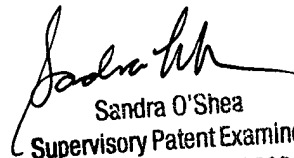
Art Unit: 2875

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (703) 035-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Bao Q. Truong
Examiner
Art Unit 2875

BQT
September 5, 2001


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800